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REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Final Official Action, the Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,681,260 to Ueda (hereinafter "Ueda") in view of U.S. Patent No. 6,958,577 to Biglieri (hereinafter "Biglieri") and further in view of U.S. Patent No. 6,788,967 to Ben-Haim et al., (hereinafter "Ben-Haim"). Furthermore, the Examiner rejects claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Biglieri.

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below. However, independent claims 1 and 8 have been amended to clarify their distinguishing features.

With regard to claim 1, Applicants previously argued that Ben-Heim does not disclose current being supplied to the magnetic element and that Ben-Heim discloses that the magnetic element only functions to detect the current induced/guided by the magnetic field. In the "Response to Arguments" section at page 2 of the Final Official Action, the Examiner appears to agree with Applicant's previous argument but indicates that the features argued by Applicants are not recited in claim 1. Therefore, the last subparagraph of claim 1 has been amended to positively recite the features that Applicants previously argued. Specifically, the last subparagraph of claim 1 has been amended to read:

at least one of the plurality of magnetic coils having a current selectively supplied thereto in a time series manner to control the movement of the capsule endoscope by the interaction thereof with the magnetic-field generating means.

The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to claim 1.

With regard to the rejection of claim 1 under 35 U.S.C. § 103(a), independent claim 1 is not rendered obvious by the cited references because neither the Ueda patent, the Biglieri patent nor the Ben-Heim patent, whether taken alone or in combination, teach or suggest a capsule endoscope system having the features discussed above and recited in independent claim 1. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable.

With regard to claim 8, the same has been amended to recite a magnetic-field generating member arranged in at least one portion of the capsule endoscope, where the magnetic-field generating member includes at least one magnetic coil, the magnetic-field generating means is controlled such that a magnetic field is intermittently applied and the position of the capsule endoscope is detected by the magnetic field generating member when the magnetic field is not applied. The amendment to claim 8 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to claim 8.

It is noted that in the capsule endoscope system of claim 8, the magnetic field is intermittently applied. Furthermore, the movement of the capsule endoscope or the power generation are effected when the magnetic force is applied and the position of the capsule endoscope is detected by the function of the magnetic coil of the capsule endoscope itself when the magnetic force is not applied

In other words, the magnetic field generating means is turned on or off by the intermittent application of the external magnetic field, for example, as pulse signals. When turned on, i.e. when the magnetic field is applied, the capsule endoscope performs the movement or the power generation as mentioned above. On the other hand, when turned off, i.e. when the magnetic field is not applied, the position of the capsule endoscope is detected by the function of the magnetic coil of the capsule endoscope itself as mentioned above.

When the position of the capsule endoscope is detected, if the external magnetic field is applied to the capsule endoscope, the function of the magnetic coil of the capsule endoscope itself for effecting the position detection overlaps the external magnetic field, whereupon it comes about that the accuracy for the capsule endoscope to detect the position is largely lowered.

In order to overcome such problem, it is noted that in the capsule endoscope system of claim 8, the external magnetic field is intermittently applied to the capsule endoscope.

In contrast to this, Ueda simply discloses an electromagnet where if the current is cut off, the magnetic field ceases to exist. Furthermore, Ueda neither discloses nor suggests that the magnetic-field generating means intermittently generates the magnetic field. Still further, Ueda does not detect the position when the magnetic field is not applied, as is recited in the capsule endoscope system of claim 8.

With regard to the rejection of claim 8 under 35 U.S.C. § 103(a), Independent claim 8 is not rendered obvious by the cited references because neither the Ueda patent nor the Biglieri patent, whether taken alone or in combination, teach or suggest a capsule

endoscope system having the features discussed above and recited in independent claim 8.

Accordingly, claim 8 patentably distinguishes over the prior art and is allowable.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza-Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm